



**Dr. John D. Barge, State School Superintendent**  
*"Making Education Work for All Georgians"*

November 19, 2012

**VIA U.S. MAIL**

Mr. Steve Holland  
Governing Board Chairman, Odyssey School  
14 Saint John Circle  
Newnan, Georgia 30265

Dear Mr. Holland:

**RE: Official Notice of Non-Compliance – UPDATE to June 1, 2012 Letter**

Please accept this letter as an update to our letter dated June 1, 2012 regarding Georgia Cyber Academy's ("GCA") special education issues. As you will recall, that letter warned that the Georgia Department of Education (the "Department") would consider the Odyssey School ("Odyssey") to be in breach of their charter contract unless GCA remedied their pervasive special education issues and demonstrated substantial noncompliance with special education legal and regulatory requirements. The Department has reviewed all actions taken by Odyssey/GCA subsequent to my June 1, 2012 letter, including the November 19, 2012 Comprehensive Monitoring Report on GCA's current status prepared by the Division for Special Education Services and Supports pursuant to 34 CFR § 300.600.

The Department is not satisfied that, at this time, Odyssey/GCA has taken the necessary steps to substantially remedy the program's systemic special education issues. By copy of this letter, the Department is designating Odyssey School as a Charter High Risk (which means any further compliance issues will trigger the charter termination process). Further, continued noncompliance with special education legal and regulatory requirements, including failure to adhere to the Department's corrective action deadlines, will result in Odyssey and GCA being designated a Financial High Risk by the State Board of Education with regard to federal funding in accordance with 34 C.F.R. § 80.12 and with regard to state funding as well.

Additionally, this letter hereby notifies you that, in accordance with O.C.G.A. § 20-2-2068(a)(2), the Department plans to recommend to the State Board of Education (the "Board") at its April 5, 2013 meeting that termination proceedings be initiated against Odyssey. However, should GCA meet all requirements and targets set for completion and monitoring by the Division for Special Education Services and Supports during the last week of February 2013 we are prepared to continue Odyssey's high-risk status in lieu of termination.

The Department will recommend termination based on at least the following:

1. Pursuant to O.C.G.A. § 20-2-2068(a)(2)(B) - A failure to adhere to any material term of the charter...
  - Odyssey has repeatedly failed to adhere to Paragraph 12(a), a material term of their charter contract which requires the school to comply with all federal special education laws and regulations, including the Individuals with Disabilities Education Act ("IDEA");